

Summary
Agriculture, Fish and Water (AFW) Process
FOTG Executive Committee Meeting #9
November 20, 2000

1. Welcome/Introductions

Introductions were made and the final draft meeting summary for the September 27, 2000 was approved.

Tim explained that Mike Rundlett is on a leave of absence and thanked the Integrated Technical Team for all of their hard work putting the draft Ag Watercourse document together.

2. Integrated Technical Team Report on Agricultural Watercourse Document

The Integrated Technical Team introduced themselves. Linda Crerar started the presentation off by describing how the presentation is organized. Paul La Croix shared that feedback to date included the request to add NW to the FOTG numbers included in the document. Frank Easter was not sure that this could be done, but agreed to designate these “site specific” FOTGs in some manner as Northwest Region-related.

Linda C. gave a brief overview of the document and explained the content of **Chapter 1**, (Introduction). Dale Bambrick requested that the counties be listed. Karen Poulsen shared concerns pertaining to the background paragraph. Paul stated that this would go back to the ITT to revisit the language.

Curtis Johnson walked the group through **Chapter 2**, (Process for AWC Maintenance) a short outline on how to use the guidance document.

Paul L. gave credit to Mike Ashly and Philip Morley for the work that they have done. He then talked about the content of **Chapter 3**, (Agricultural Watercourse Classifications), stating that the its content was basically plagiarized from the BC plan, with the exception of sloughs. There was a request for “maximum extent possible” definition and a better explanation of “longer term rotation.”

Paul also took us through **Chapter 4**, (Timing Windows). Millard Deusen explained that types of activities would determine timing windows/restrictions. Once this is done, the blanks on Table 1 will be filled in. Mike Poulson requested the criteria that will be used to determine this. Millard agreed to provide.

This document will continue to be a draft document until the EC approves it.

Gretchen B. pointed out two other issues that they would like the ITT to look at further: 1) Better definition of other species (pg. 9) and 2) stream timing windows in conflict with information on pg. 22. Paul L. agreed that the ITT would look at these. Frank stated that

where possible, he would like to include timing window information into the individual practice.

Jim Muck and Frank Easter covered **Chapter 5** (General Guidance & Specific Practices for AWC Maintenance). Jim shared the process that the ITT uses in reviewing the practices. Mike Ashly explained the process used in the initial cut of the FOTGs to be looked at.

On behalf of the Ag caucus, Gretchen B. shared the following concerns as they relate to Chapter 5:

- 1) Second paragraph, last sentence of the old document (under Dry Ditches) needs to be deleted, zero tolerance is unacceptable; and
- 2) Band plantings-riparian forest buffers (Table 2)—needs to be pulled from the document, to be covered when we get the riparian buffer issues.

Mike P. shared similar concerns around clearing and snagging language. Steve Meyer suggested using “minimize silt or sediment downstream” instead of current language. Zero tolerance language needs to be looked at.

Page 21-clarify “irrigation for agricultural areas.”

FOTG-Specific Comments:

Rick Nelson would like to put the practices on Page 31, “fencing” and “livestock watering” on hold until he can talk to his constituents in Skagit County. Tim T. asked him to begin sharing this information with his Skagit Co. folks and get back to us.

Jim M. explained that the ITT has only reviewed the text of Chapters 1-3. Asked the EC if they would prefer the redline/strikeout versions of the practices to be able to see what was changed. The Ag caucus stated affirmative. As an example, Jim walked us through the changes made to the original practice #326 (current WA standard/national standard).

Paul L. shared the concern pertaining to practice #326 (clearing & snagging practice), strike the word “all” under criteria.

Gretchen questioned the use of “wildlife” as part of purpose section. Tim suggested that we find a way to reference the national standard language vs. NW-specific. These issues will be taken back to the ITT.

Gretchen B. stated that the water quality reference under #3 needs more explanation. Page 36, first paragraph “assesses the need,” who does the assessment? Is it NRCS or the CD? If it’s based on best available criteria, the Ag caucus objects.

Karen Poulson had a question on page 21 re: general guidance, not talking about irrigation in this document—needs clarification re: NW needs.

Page 37, Practice #350 (Sediment Basin):”#3 under water quantity--clarify social and economic conditions. #2 under water quality--“visual quality” needs a better explanation.

Page 38, design criteria--remove “all” in the first paragraph. How do you deal with regulations? Several are in conflict. At the bottom of design criteria, last sentence--explain hydraulic flushing. On page 39, #3 “diverting...,” are we breaching the streams? Under the preventative maintenance paragraph, buffer zone comments need to be taken out.

Page 47, #6 under the water quantity section—“social and economic conditions” needs clarification. Under the water quality section, #3, “aquifer” needs to be defined, #9--clarify “rate to risk”. Under #10—reference to oxygen issues/anaerobic soil needs clarification.

Page 48, last item under #5, needs reworded, or deleted, as it doesn’t pertain.

Page 52, #3 under the water quality section, define aquifer.

Page 53 under operation and maintenance section, #3--clarify “provide shade.”

Page 55, last paragraph under conditons, last sentence--clarify “values/criteria.”

Page 56, second paragraph concerning reference to BMPs-is that what we’re writing?

Page 58, under the stability section--define tolerable limits.

Page 59, under the water quality section, re: visual quality, are these two different things under #6 & #8?

Page 60, third paragraph—need to clarify “preferred vegetation.” Delete riparian forest buffer reference.

Page 61, #5—delete forest riparian buffer reference.

Page 63, under the conditions where practice applies section—define underground outlet.

Page 65—have concerns about “all anticipated flow conditons” language.

Carolyn Kelly walked us through **Chapter 6**, (AWC Monitoring and Adaptive Management), and explained that Conservation Districts will need this type of guidance to operate. Gretchen questioned if it should be in the statewide plan rather in this document. This will be discussed at a higher level (EC).

Page 67, “Monitoring Habitat in WA State” document prepared by WDFW--The Ag caucus requested a copy or the website address. John M. will provide.

Gretchen stated that the Ag caucus has concerns around chapters 6 & 7. No comment on Chapter 8. Comments will be given to Paul LaCroix. Carolyn stated that this chapter is based on the same chapter in ID document and is being referred to the EC for further development. This chapter will be visited by the ITT.

Next Steps for the ITT:

Linda identified the next steps/timeline for the ITT, and the policy and funding issues for the EC. The ITT will look at the comments out of today's meeting and address them. The ITT feels that the document will be ready by February.

Curt Smitch stated that funding needs to be addressed early on due to the large state budget shortfall expected this legislative session. Senator Jacobsen concurred.

3. Teeing up the Next Issues

Tim lead the discussion around what issues/practices will be looked at next, including V-ditches, adaptive management and monitoring, edits to current document. Paul L. mentioned starting a statewide team to address statewide issues.

Curt mentioned that the state's salmon initiative (independent science panel) is looking at monitoring issues. Dick suggested that the AWC document make reference to what is in the document and what isn't.

The ITT is looking at the second packet of practices; Jim M. has asked for comments from the state/fed members on all remaining practices.

Preferred pathways (4(d)/Section 10/Section 7)

Where are we in a Section 7 process? If federal money is provided, NRCS will provide consultation either farm-by-farm or on a programmatic basis. It is up to the landowners if they choose to participate. Tim shared what the processes look like under Section 7 and Section 10. Once the EC buys off on the document, it goes to the Services for review of adequacy.

Gerry Jackson stated that if a Section 7 consultation occurs, since his staff has been involved, he don't foresee major problems. USFWS will need to render Biological Opinion that goes to NRCS.

Tim asked, "Where does the landowner get coverage?" Gerry J. stated that the three permit processes are the only options open to the Services. If not Section 7, will need to do NEPA/EIS or Section 10 process. Section 10 or 4(d) states that anyone operating under the guidelines is covered. Under Section 7, that consultation is with the federal agency operating that plan. Frank E. reminded us that it would have to be tied to financial assistance. Steve M. stated that the state feels that the Section 10 process is the way to go. Curt S. reminded us that we have asked that the agreement be included in the 4(d) rule. The AGs have looked at this and it appears that this is something that can be done. If you are compliant with the rule, then you are covered.

Steve M. suggested that the local Conservation District would do the monitoring.

Tim T. stated that it is still unclear if we can do a programmatic Section 10. Need to pursue 4(d) coverage as well as a Section 7 track, at the same time. A Section 10, programmatic approach, will need to be looked at.

Kurt Isaak asked whether these practices could start being used now. Gerry J. answered that a NEPA process would need to occur.

Bill Robinson stated that it's important to have these timeframes up-front, on the table.

Tim suggested that a legal subcommittee be developed to look at these options/strategies to meet the landowners' needs and resource needs for certainty.

Paul stated that one of his fears is the inability to meet water quality standards. Dick stated that the standards also talk about natural background conditions.

Karen P. questioned if the water quality standards were going to be ricketed up. Need some assurances. Dick W. responded that the standards are supposed to be looked at on an ongoing basis to see if they are current.

Mike P. shared issues they wanted to discuss today: where are we going with incidental take? Where do we stand with that now? How many fish are we killing now? Do we have time before 4(d) comes crashing down on us?

Paul L. shared that it would be February/March before the AWC document will be completed. Have only placeholders to address Mike P's concerns. Mike P. feels that his issues need to be resolved before the document can be complete. The Ag caucus will continue to be involved in the NW process.

Paul L. suggested that that the monitoring/adaptive management piece be developed statewide and apply it in a regional approach, based on regional-specific issues.

Hertha Lund stated that it would be possible to figure out the tool we are going to use re: incidental take issues.

Gerry J. questioned what the expectation was in March. Paul L. responded that a plan needs to be in effect before they clean ditches this spring. Gerry J. stated that we need, very shortly, to decide what mechanism will be used. He sees the Services getting a stamp of approval for the BMPs; will still need to do a Section 7. Hertha L. raised the issue of cost. Curt stated that the state would welcome addressing how to fund it; an interim incidental take permit is not a viable option.

Gerry J. suggested that the Ag caucus write a letter to the Dept. of Justice asking these questions.

The group agreed to continue the work being done on the AWC document, with March being the target completion date.

Tim T. suggested that we start talking about funding sources, fish passage issues, and riparian buffers (both NW and statewide). Someone needs to step forward and develop a straw proposal. Tim suggested that the state, in collaboration with the other caucuses, put something on the table to cover these issues. Also needed is an interim strategy that ties into a longer-term strategy. How watershed planning efforts fit into AFW should be looked at, too. He encouraged the EC to continue developing the watercourse classification piece.

Jim Hazen stated that he needs the science to be able to sell this to his constituents.

Mike P. stated that they still don't have criteria, except for screens and obstructions.

Claire D. stated that it's not what the buffer is, but how it's applied (do no further harm or recovery). Does it make more sense to look at other things than planting buffers?

Tim stated that public outreach/education will be an important piece.

Reports back from individual caucuses:

Ag caucus would like to incorporate buffers into the AWC document, not have the state split it off into a separate process. Steve George stated that eastern WA is willing to move forward in making progress on this issue.

The federal caucus wants to be a part of the legal dialog concerning compliance pathways. The federal agencies need to figure out what's doable under each of the three pathways. Need to discuss how you coordinate the science needed and analyzing the science.

The state is committed to finishing the NW proposal. It is also prepared to look, on a larger scale, at developing a stream classification system and actions important for fish protection, including criteria.

Joe Peone reported that he felt the EC got off topic and proposed that using the forest model, we work on management and risk of the resource to come up with numbers.

Bill Robinson agreed that the afternoon session was divisive. Hope we keep in mind that in January, chinook will be a hot issue and that bull trout are already a hot issue.

Senator Jacobsen questioned the January 8th listing deadline and how third party law suits will play out.

Tim stated that funding would be an essential element.

4. Other Business

Paula reminded everyone that the Harvest/Hatchery training is scheduled for Nov. 22 at the Best Inn, Ellensburg. She walked down the draft agenda that WA Fish & Wildlife provided and will e-mail it out to everyone tomorrow.

She shared that Mike Rundlett is on administrative leave for approximately two months to help his wife who is ill.

5. **Looking Ahead**

Agenda items for December 13th: scheduled for the Summit of Snoqualmie Pass will include items identified today.

Karen P. asked the state/fed caucus to think about how to integrate AFW with other ongoing processes. Curt S. stated that the Governor is looking at combining 2514 and 2496. The Waldo effort also needs to be looked at in the Yakima.

Meeting Handouts:

Agenda

September 27, 2000 Revised Draft Summary

AFW-FOTG, Agricultural Landscape & Fish Issues

“Agricultural Watercourse Policy Guidelines for Northwest Washington”

Puget Sound Salmon Recovery cover memo

“A Shared Strategy for Recovery of Salmon in Puget Sound”

Newspaper article: W. Wash. Ag pushes for fish-friendly plans

PowerPoint Presentations:

Draft Agricultural Watercourse (AWC) Maintenance Policy Guidelines of NW Washington

Attendee List:

Name	Representing
6. Ashly, Mike	SCAAB
7. Bambrick, Dale	NMFS
8. Boggs, George	Whatcom County
9. Borck, Gretchen	WAWG
10. Briscoe, Lynn	WSDA
11. Charlton, Mark	KCFB
12. Combs, Jeff	USFWS
13. Crerar, Linda	WSDA
14. Deusen, Millard	WDFW
15. Doenges, Rich	Skagit County
16. Dyckman, Claire	King County
17. Easter, Frank	NRCS
18. Easton, Tom	EPA
19. George, Craig	Hay Growers
20. George, Steve	Hop Growers of WA

21. Hamilton, Rod	USDA-FSA
22. Hazen, Jim	WA State Horticultural
23. Isaak, Kurt	WACD
24. Jackson, Gerry	USFWS
25. Jacobsen, Sen. Ken	WA State Senate
26. Jensen, Martha	USFWS
27. Johnson, Curtis	WWFCA
28. Johnson, Linda	Farm Bureau
29. Kauzloric, Phil	Ecology
30. Kelly, Carolyn	Skagit Co. CD
31. LaCroix, Paul	WWFCA
32. Lee, Bob	Senate Ag Committee
33. Lund, Hertha	WA Farm Bureau
34. Mankowski, John	WDFW
35. Mayer, Kirk	WA Growers Clearing House
36. Meyer, Steve	WCC
37. Millam, Phil	EPA
38. Milton, Jim	TCWRA
39. Muck, Jim	USFWS
40. Nelson, Rick	WCA
41. Peone, Joe	Colville Tribes
42. Poulsen, Karen	Hay Growers
43. Poulson, Mike	Farm Bureau
44. Rice, Chuck	EPA
45. Robinson, Bill	TU
46. Smitch, Curt	Governor's Office
47. Smith, Paula	WCC
48. Vielenoh, Sid	WCA
49. Wallace, Dick	Ecology
50. Weeks, Joe	Colville Tribes
51. Zimmerman, Jim	WA State Grange